

Statement of Basis
Briefing Memorandum

Lac du Flambeau Lagoon Permit No.: WI-0036498-2
Lac du Flambeau Band of Lake Superior Chippewa Indians
Lac du Flambeau Water and Sewer Department
Lac du Flambeau Indian Reservation, Vilas County, Wisconsin
(N.W. quarter of the N.W. quarter of Section 9, Township 40N, Range 5E)

The Lac du Flambeau sewage lagoon includes four cells designed to operate in series. The primary cell is 18.4 acres in area. This cell is aerated with three Pond Doctor Aeration units. The secondary cell is 10 acres in area. This cell is aerated with one Pond Doctor Aeration unit. The third and fourth cell are 5 acres in area each and are used as seepage cells. If needed, the fourth cell has an outlet structure that discharges to a forested lowland area. Over the last five years, the permittee has only had to discharge twice (Spring 2003 and 2004). The discharges were in compliance with the existing permit limits. The average design flow rate to the lagoon is approximately 180,000 gallons per day.

The draft permit requires the applicant to meet the following effluent limitations:

Controlled Discharge

<u>Parameter</u>	<u>30-day average</u>	<u>Basis</u>
BOD ₅	30 mg/L	40 CFR 133
Total Suspended Solids	30 mg/L	40 CFR 133
pH	6 S.U. (minimum) 9 S.U. (maximum)	40 CFR 133

Discharge is limited to a maximum 6 inches per day. Discharge flow was calculated as follows:

5 acres x 0.5 feet/day (6 inches/day) x 325,900 gallons per acre-ft \approx 0.8 million gallons/day

Loading limits in the permit were calculated using the following formula:

$$0.8 \text{ mgd} \times \text{concentration limit (mg/L)} \times 8.34 = \text{Loading (lbs/d)}.$$

Basis for limits: The limits were developed to ensure compliance with 40 CFR Part 133, protection of human health and EPA's water quality criteria, the Tribe's water quality standards, and protection of Wisconsin water quality standards where they are applicable. In this regard, the Wisconsin Department of Natural Resources and the Tribe were consulted. EPA is the appropriate authority for purposes of certifying the proposed discharge under Section 401 of the Clean Water Act. Clean Water Act Section 401 certification is not needed from the state or the tribe as neither have federally approved water quality standards applicable to the receiving water at

the point of discharge.

Special Conditions

- The treatment plant shall be operated by a certified wastewater treatment operator.
- Compliance with 40 CFR Part 503 (sludge use and disposal regulations), though no sludge is expected to be used or disposed of during the permit term.
- Compliance with applicable pretreatment requirements (40 CFR Part 403) to prevent pass through and interference.

EPA has satisfied its requirements under the Endangered Species Act and the National Historical Preservation Act. As this is an existing facility with no new construction planned, we believe the issuance of the permit and the associated discharge will have no effect on endangered or threatened species or their critical habitat nor will it have an impact on historical or cultural sites. We have received a letter from the US Fish and Wildlife Service concurring with our determination and are awaiting a similar letter from the Tribal Historic Preservation Officer.

The permit is based on an NPDES application dated February 4, 1994, and additional supporting documents found in the administrative record.

A five year permit as allowed by regulation is proposed.

Written By: John Colletti September 2004